

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, in light of the following discussion, is respectfully requested.

This Amendment is in response to the Final Office Action mailed on October 14, 2004. Claims 1-6 and 17-26 are pending in the Application; Claims 1-6, 17, and 18 stand rejected; and Claims 19-26 have been allowed. The indication of allowable subject matter is noted with appreciation.

Summarizing the outstanding Office Action, Applicants' specification was objected to based on claim interpretation purported by the Office. Claims 1, 2, 6, 17, and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over the admitted prior art in view of DE 24 21 401 Abstract and Kuroiwa et al. (U.S. Patent No. 6,524,521, hereinafter "Kuroiwa"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of DE 24 21 401 Abstract and Kuroiwa, and further in view of Underwood (U.S. Patent No. 3,220,812). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of DE 24 21 401 Abstract, Kuroiwa, and Underwood, and further in view of Kurihara et al. (U.S. Patent No. 6,132,661). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of DE 24 21 401 Abstract and Kuroiwa, and further in view of either Weber et al. (U.S. Patent No. 3,959,421) or of Kurihara. Applicants respectfully note that the typographical informality in the outstanding Office Action related to the identification of DE 24 21 401 as DE 23 21 401, as noted in the Amendment filed on July 19, 2004, has not been corrected.

Applicants respectfully traverse the purported claim interpretation of the language amended to Claim 1 in view of the arguments submitted on the Amendment filed on July 19, 2004 because, as clearly stated therein the explanation provided for the limitation added to Claim 1 and reference to Applicants' drawings were non-limiting examples of the recited

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invention.¹ In addition, in view of the fact that the explanation provided in that Amendment was based on subject matter originally disclosed in Applicants' specification, Applicants fails to see the need to further amend the specification as suggested in the outstanding Office Action.

In addition, Applicants note that all obviousness rejections were based at least in part on Kuroiwa, i.e., U.S. Patent No. 6,524,521. Applicants respectfully submit that, under 35 U.S.C. § 103(c), the obviousness rejections based on Kuroiwa are improper. 35 U.S.C. § 103(c) provides:

“Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

The above-referenced application, which is owned by Nippon Petrochemicals Co., LTD. and Polymer Processing Research Institute LTD., as indicated by the Assignment recorded by the Patent Office on November 20, 2002, at reel/frame: 013511/0480, has an effective filing date of February 26, 2002. As noted in the outstanding Office Action, Kuroiwa, which was filed on August 24, 2000, but did not issue until February 25, 2003, only qualifies as prior art under 35 U.S.C. § 102(e) and indicates Nippon Petrochemicals Co., LTD. and Polymer Processing Research Institute LTD. to be the assignees thereof. Thus, under the provisions of 35 U.S.C. § 103(c), Kuroiwa cannot be used in a 35 U.S.C. § 103(a) rejection of any of the claims of the above-referenced application.

Therefore, withdrawal of all of the above-summarized rejections under 35 U.S.C. § 103(a) is respectfully requested.

¹ See, Amendment of July 19, 2004 on page 8, line 15 and 16, citing Applicants' Specification, at page 14, line 4 – page 16, line 2.

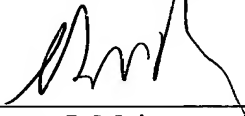
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Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-6 and 17-26 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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